

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:
Cabell County Commission v.
AmerisourceBergen Drug Corp., et al.
Case No. 17-op-45053-DAP

MDL No. 2804

Hon. Dan Aaron Polster

**DEFENDANTS AMERISOURCEBERGEN DRUG CORP., CARDINAL HEALTH, INC.,
AND McKESSON CORP.'S MOTION TO DISMISS (FED. R. CIV. P. 12(b)(6))**

Pursuant to Case Management Orders One [Dkt. 232] and Four [Dkt. 485], Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) move to dismiss the Second Amended Complaint in the above-referenced action with prejudice on the basis that it fails to state a claim upon which relief can be granted, for the reasons given in the accompanying memorandum of law, which is incorporated herein.

Pursuant to Case Management Order One Section 2.g, Distributors raise “only those issues they believe are most critical,” and pursuant to Section 2.j, Distributors do not waive and hereby preserve any defenses not addressed in the motion and reserve their right “to file an individual motion to dismiss” at the appropriate time.

Dated: June 8, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Ashley W. Hardin, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Ashley W. Hardin
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